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King & Spalding  
Suite 4000  
1100 Louisiana Street  
Houston, TX 77002-5213

EXAMINER
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GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

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06/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,415	<b>Applicant(s)</b> JAUREGUI, GERMAN	
	<b>Examiner</b> ERNESTO GARCIA	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/6/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

The drawings were received on March 6, 2009. These drawings are accepted. However, not all drawing objections have been overcome.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the male or pin element 13 having a combination of a cylindrical arrangement ending up in semi-conic (claim 10) must be shown or the features canceled from the claim. No new matter should be entered. Note that the new Figure 6 merely shows a semi-conic arrangement without a cylindrical arrangement.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing

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figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The substitute specification filed March 6, 2009 has been entered because it does conform to 37 CFR 1.125(b) and (c).

### ***Claim Objections***

Claims 2, 4, 7, and 11-21 are objected to because of the following informalities:

regarding claim 2, "because" in line 2 should be deleted;

regarding claim 4, "it" in line 3 should be defined;

regarding claim 7, "a" in line 3 should be deleted;

regarding claim 11, the first occurrence of "the" in line 3 should be deleted;

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regarding claim 12, "axes" in line 4 should be --axis-- and "its" and "them" in line 4 should be defined;

regarding claims 13-15, the first occurrence of "the" in line 5 should be deleted;

regarding claim 14, the claim should rather be rephrased to set forth another non pass-by opening rather indicate that the at least one opening is two openings however that becomes;

regarding claims 16-18, the first occurrence of "the" in line 4 should be deleted; and,

regarding claims 19-21, the first occurrence of "the" in line 3 should be deleted. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

Claims 1-3, 8-10, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the metes and bounds of the claim is unclear. The claim sets forth a structural connection system, which is an interaction of parts by definition. It seems that the claimed connection system is merely a listing of parts and not a connection system. Further, how do the closing support member and the vertical

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support member, i.e., two of the members of the three listed members, constitute a connection system?

Regarding claim 2, the recitation “one of the members is the off-centered support member” in lines 2-3 is redundant since claim 1, line 4, set forth an off-centered support member. It appears that one of the at least two members is actually the off-centered support member.

Regarding claim 4, the metes and bounds of the claim is unclear. In particular, when the at least two members are chosen to be, respectively, the closing support member and the vertical support member, as set forth in claim 1, how does further limiting the right side section of the off-centered support member further limiting this structural connection system? Is one to assume the off-centered support member is actually chosen?

Regarding claims 4-6, “the projected surface” in line 3 lacks proper antecedent basis.

Regarding claims 8, the metes and bounds of the claim is unclear. In particular, when the at least two members are chosen to be, respectively, the closing support member and the off-centered support member, as set forth in claim 1, how does further limiting the features of the non-elected member, i.e., the vertical support member,

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further limiting this structural connection system? Is one to assume the vertical support member is chosen?

Regarding claims 13 and 16, the metes and bounds of the claim is unclear. In particular, when the at least two members are chosen to be, respectively, the off-centered support member and the vertical support member, as set forth in claim 1, how does further limiting the features of the non-elected member, i.e., the closing support member, further limiting this structural connection system? Is one to assume the closing support member is chosen?

Regarding claim 17, the recitation "the attachment means of the central piece having any geometry of the off-centered support member" in lines 2-3 lacks proper antecedent basis.

Regarding claim 18, the recitation "the attachments means of the piece having any geometry of the vertical support member are two non pass-by openings" in lines 2-3 is misdescriptive and/or inaccurate since the openings are rather pass-by openings. See paragraph [034].

Regarding claims 19 and 20, the metes and bounds of the claim is unclear. In particular, it is unclear to what the off-centered support member is complement to.

Regarding claim 21, the metes and bounds of the claim is unclear. In particular, it is unclear to what the vertical support member is complement to.

Regarding claims 5-7, 14, 17, 19, and 20, the same problem, as occurring in claim 4, apply to these claims.

Regarding claims 9-12, 15, 18, and 21, the same problem, as occurring in claim 8, apply to these claims.

Regarding claims 3 and 6-10, the claims depend from claim 1 and therefore are indefinite.

### ***Claim Rejections - 35 USC § 102***

Claims 1, 9, 11-13, 15, 16, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunthel Jr., 2,861,762.

Regarding claim 1, as best understood, Gunthel Jr. discloses, in Figure 1, a structural connection system comprising at least two of the following elements: a closing support member **22**, an off-centered support member, and a vertical support member **16**. The closing support member **22** comprises a piece having any geometry having a top surface **A1** (see marked-up attachment provided in the last Office action), a bottom



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surface **A2**, and a diametric channel housing **A3** which extends across the top surface **A1**. The piece incorporates an attachment means **26**. The vertical support member **16** comprises a piece having any geometry having a top surface **A4**, a bottom surface **A5**, and a diametric channel housing **A6** which extends over the top surface **A4** of the vertical support member **16**. The vertical support member **16** incorporates an attachment means **26** and a male or pin element **12**. The bottom surface **A5** of the vertical support member **16** comprises a male or pin element **12** extending axially. The male or pin element **12** extends axially from the bottom surface **A5** of the piece of the vertical support member. The male or pin element **12** is configured received a support leg **40**.

Regarding claim 9, the male or pin element **12** has a grooved perimeter cylindrical arrangement.

Regarding claim 11, the male or pin element **12** has a diametric arrangement that does not surpass edges of the piece having any geometry of the vertical support member **16**.

Regarding claim 12, the diametric arrangement of the male or pin element **12** is less than the edges of the piece having any geometry of the vertical support member. The central axis always coincides with that of the vertical support member.

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Regarding claim 13, the attachment means of the piece having any geometry of the closing support member are two pass-by openings which join the bottom surface of the closing support member located adjacent edges of the diametric channel housing of the closing support member.

Regarding claim 15, the attachment means of the piece having any geometry of the vertical support member are two pass-by openings which join the bottom surface of the vertical support member with the top surface of the vertical support member located adjacent edges of the diametric channel housing of the vertical support member.

Regarding claim 16, the attachment means of the piece having any geometry of the closing support member are two non pass-by openings located adjacent edges of the diametric channel housing of the closing support member over the top surface of the closing support member.

Regarding claim 18, the attachment means of the piece having any geometry of the vertical support member are two pass-by openings located adjacent edges of the diametric channel housing of the vertical support member over the top surface of the vertical support member.

Regarding claim 21, the vertical support member 16 is complement.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitt, 4,881,354.

Regarding claim 1, as best understood, Pitt discloses, in Figure 11, a structural connection system comprising at least two of the following members: a closing support member **51**, an off-centered support member, and a vertical support member **50**. The closing support member **51** comprises a piece having any geometry having a top surface **A2** (see marked-up attachment provided in the last Office action), a bottom surface **A1**, and a diametric channel housing **61**, **63** which extends across the top surface **A2**. The piece incorporates an attachment means **55**. The vertical support member **50** comprises a piece having any geometry having a top surface **A3**, a bottom surface **A4**, and a diametric channel housing **61**, **63** which extends over the top surface **A3** of the vertical support member **50**. The vertical support member **50** incorporates an attachment means **59** and a male or pin **56-58**. The male or pin element **57** extends axially from the bottom surface **A4** of the piece of the vertical support member **50**. The male or pin element is configured to receive a support leg **53**.

Regarding claim 2, the closing support member **51** and the vertical support member **50** have a cylindrical shape.

***Claim Rejections - 35 USC § 103***

Claims 1, 3, 5-7, 14, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofheimer, 2,715,537, and Howard, 4,793,578.

Regarding claim 1, as best understood, Hofheimer discloses, in Figures 1, 2, and 4, a structural connection system comprising at least two of the following elements: a closing support member **12**, an off-centered support member **11**, and a vertical support member. The closing support member **12** comprises a piece having any geometry having a top surface **69**, a bottom surface **18**, and a diametric channel housing **24** which extends across the top surface **69**. The piece incorporates an attachment means **39**. The off-centered support member **11** comprises a central piece having any geometry having a top surface **13**, a bottom surface **17**, and a diametric channel housing **23** which extends over the top surface **13**. The central piece incorporates at least one pass-by opening **39**. The central piece has a right side section **92** and a left side section **91** extending from the central piece. The right side section **92** is adjacent the axial end of the left side section **91**. However, Hofheimer fails to disclose: the right section being shorter longitudinally compared to the left side section; a first platen being extended and being adjacent the axial end of the right side, and a second section extending so that the axis of the first platen and the second platen are parallel to a central piece axis of the central piece; each of the platens incorporating an attachment means; and the at least one pass-by opening **39** being non pass-by.

Howard, teaches, in Figure 5a, a right section being shorter than a left side section to extend rods parallel to each other at different spaced locations. Howard further teaches a first platen **12'** extending and being adjacent an axial end of a right side, a second section **12**, and the platens having an attachment means (the center opening) to connect parallel tubes. Therefore, as taught by Howard, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shorten the right section longitudinally compared to the left side section of Hofheimer and to provide a first platen and a second platen so that their axes are parallel to the center axis of the central piece of Hofheimer to place tube in parallel relation to each other and spaced away at different locations.

Applicant is reminded that the opening **39** can be easily replaced with an internally threaded counter bore rather than utilizing a separate nut embedded in the off-centered support member since either configuration will allow a screw to be fastened. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the pass-by opening **39** with a non pass-by opening so that one does not need to use a separate nut. Given the modification, the first and second platens would have been configured accordingly.

Regarding claim 3, given the modification, the first platen **12'** and the second platen **12** would have been cylindrical in shape.

Regarding claim 5, given the modification, the right side section extends outward and parallel to a projected surface of the central piece of the off-centered support member.

Regarding claim 6, given the modification, the left side section extends outward and parallel to a projected surface of the central piece of the off-centered support member.

Regarding claim 7, given the modification, the attachment means of the first platen and the second platen would have been an opening piercing a thickness of each of the platens.

Regarding claim 14, given the modification, the off-centered support member further comprises another non pass-by opening located adjacent thus being two non pass-by openings located adjacent edges of the diametric channel housing of the off-centered support member.

Regarding claim 17, given the modification, the off-centered support member would have had two non pass-by openings located adjacent edges of the diametric channel housing of the off-centered support member over the bottom surface of the off-centered support member.

Regarding claims 19 and 20, as best understood, the off-centered support member is complement.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunthel Jr., 2,861,762.

Regarding claims 8 and 10, Gunthel Jr., as discussed, discloses the male or pin element **12** having a grooved perimeter arrangement. However, Gunthel Jr. fails to disclose the arrangement being semi-conic or cylindrical ending up in semi-conic. Applicant is reminded that changing the shape of the pin element to other shapes is an obvious modification and not patentable distinct since the disclosure does not state a reason for making the shape accordingly. The shape rather appears as part of an aesthetic appeal and therefore one skilled in the art would have made the shape semi-conic or in a combination of a cylinder ending up in a semi-conic shape as part of aesthetic appeal since there's no criticality in choosing such shape.

Regarding claim 3, a structural connection system for modular constructions according to any one of the above claims, characterized in that the first platen and the second platen have a cylindrical shape.

***Response to Arguments***

Applicant's arguments filed March 6, 2009 have been fully considered but they are not persuasive.

With respect to Gunthel, Jr., applicant argues that claim 1 now recites "the male or pin element is configured to received a support leg therein". In response, this recitation does not set forth any structure. If it did, what configuration is that? Further, it should be noted that the support leg is not claimed and thus any argument relative to a component not claimed, i.e., the support leg, is moot until claimed. In any event, Gunthel, Jr., discloses this limitation in the broadest reasonable interpretation. Applicant further argues that Gunthel, Jr. fails to disclose the vertical support member having a male or pin element extending axially from the bottom surface of the vertical support member. In response, it should be noted that the rejection has set forth the male or pin element extending axially from the bottom surface of the vertical support member. See rejection. Applicant further argues that the post 12 is rather anchored to an associated support structure via arcuate base clamps 38, 40. In response, why can't the clamps themselves comprise a leg, in the broad sense. Obviously, the post 12 can receive the support leg, which is not even claimed. Further, as stated earlier, what configuration is required to receive such support leg?



With regards to Pitt, applicant approach this reference the same way as Gunthel, Jr. In response, it should be noted that the male or pin element has been equated to that shown in parts 56-58. These components render a male or pin element and the male or pin element can receive a support leg 53. Applicant further argues that the male or pin element is not configured to receive a support leg therein. In response, applicant has failed to disclose, argue, and identify what structure in the claim corresponds to this configuration to render being "configured to receive a support leg". According to Pitt, the identified male or pin element is configured accordingly.

With regards to Hofheimer in view of Howard, applicant argues that claim 1 now requires "the platens are configured to be fastened to a workstation surface via the attachment means". In response, this limitation is so broad that it does not set forth any structure. If the recitation did recite structure, what structure would that be. Note that this limitation does not set forth what structure corresponds to this configuration. Is applicant stating that no workstation surface is present in Hofheimer? Applicant is reminded that the workstation surface is merely intended use and not part of the connection system. Accordingly, Hofheimer, as modified, would have suggested platens configured to be fastened to a workstation surface via the attachment means. Applicant further argues that the ring section 12 is, instead, configured to be fastened to pipes. In response, why can't the pipes comprise the workstation surface? Note that a pipe has a surface and can constitute a workstation surface in the broadest reasonable interpretation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the new limitations "said central piece incorporating at least one non pass-by opening" in claim 1, lines 12-13, a right side section and a left side section extending from the central piece of the off-centered support member" in claim 1, line 14-15, "the first and second platens configured to be fastened to a workstation surface via the attachment means" in claim 1, lines 21-22, and a male or pin element extends axially from the bottom surface of the piece of the vertical support member, the male or pin element configured to receive a support leg therein" in claim 1, lines 26-28, "claim 1" in claims 4-7, line 2, and "1 or 2" in claims 11 and 13-21, lines 2, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

June 12, 2009

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679